

NICOLA T. HANNA
United States Attorney
PATRICK R. FITZGERALD
Assistant United States Attorney
Chief, National Security Division
JUDITH A. HEINZ (Cal. Bar No. 176264)
Assistant United States Attorney
Senior Litigation Counsel, National Security Division
JAMES C. HUGHES (Cal. Bar No. 263878)
Assistant United States Attorney
Tax Division
MELANIE SARTORIS (Cal. Bar No. 217560)
WILLIAM M. ROLLINS (Cal. Bar No. 287007)
Assistant United States Attorneys
Terrorism and Export Crimes Section
KHALDOUN SHOBAKI (Cal. Bar No. 232864)
Assistant United States Attorney
Cyber & Intellectual Property Crimes Section
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-7280/5615/7407/0759
Facsimile: (213) 894-2927
E-mail: judith.heinz@usdoj.gov
james.hughes2@usdoj.gov
melanie.sartoris@usdoj.gov
william.rollins@usdoj.gov
khaloudun.shobaki@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YI-CHI SHIH,
aka "Yichi Shih,"
aka "Yuqi Shi," et al,

Defendants.

No. CR 18-50(B)-JAK

GOVERNMENT'S REPLY IN SUPPORT OF
MOTION IN LIMINE NO. 3 TO ADMIT
SELF-AUTHENTICATING BUSINESS
RECORDS

Hearing Date: April 4, 2019
Hearing Time: 8:30 a.m.
Location: Courtroom of the
Hon. John A.
Kronstadt

Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of

1 California and Assistant United States Attorneys Judith A. Heinz,
2 James C. Hughes, Melanie Sartoris, William M. Rollins, and Khaldoun
3 Shobaki, hereby replies to defendant Yi-Chi Shih ("defendant")'s
4 opposition to the government's motion in limine no. 3 to admit self-
5 authenticating business records.

6 This reply is based upon the attached memorandum of points and
7 authorities, the files and records in this case, and such further
8 evidence and argument as the Court may permit.

9 Dated: March 21, 2019

Respectfully submitted,

10 NICOLA T. HANNA
United States Attorney

11 PATRICK R. FITZGERALD
12 Assistant United States Attorney
13 Chief, National Security Division

14 /s/ William M. Rollins

15 JUDITH A. HEINZ
16 JAMES C. HUGHES
17 MELANIE SARTORIS
WILLIAM M. ROLLINS
KHALDOUN SHOBAKI
Assistant United States Attorney

18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Despite previously telling the government - and the Court - that he intended to help expedite the trial by stipulating to the foundation and authenticity of business and government records in this case, defendant Yi-Chi Shih ("defendant") has filed a lengthy and misleading opposition raising premature and meritless objections to the documents. Because there is sufficient evidence that the records are what they purport to be, see Fed. R. Evid. 901, the Court should enter an order merely deeming the records authentic and admissible under Rules 902 and 803 so that custodians of record do not need to travel to Los Angeles to testify. Defendant's other objections - assuming they become sufficiently specific - should be reserved for trial.

II. ARGUMENT

Contrary to defendant's mischaracterizations, the government is seeking a ruling that the certified records are admissible under Rules 902 and 803, subject "to objections under Federal Rules of Evidence 401 (relevance) and 403 (undue prejudice)." (Mot. at 9.) The motion does not seek to block defendant from raising other objections regarding the admissibility of the records at trial.¹ Nor is defendant clueless about what records the government seeks to introduce. (Opp. at 1.) As previously reported to the Court, the

¹ The government does not oppose defendant's preservation of specific hearsay objections related to his e-mails or those of his coconspirators, for example, even though such objections appear frivolous: the e-mails that the government intends to introduce at trial were sent and/or received by defendant, and/or by a person with defendant's authorization, and/or by defendant's coconspirators in furtherance of their conspiracy.

1 government has provided defendant with the specific Bates number
2 ranges of these records and - more importantly - a preliminary
3 exhibit list that identifies specific e-mails by Bates range. (Dkts.
4 275, 279; Mot. Ex. A.) Because each category of records below
5 satisfies the basic foundational and authenticity requirements of the
6 Federal Rules of Evidence, the Court should enter the order requested
7 by the government.

8 **A. E-mails**

9 Defendant relies primarily on the Ninth Circuit's decision in
10 Monotype Corp. PLC v. International Typeface Corp., 43 F.3d 443, 450
11 (9th Cir. 1994) to argue that e-mails are not automatically
12 admissible under Rule 803(6). (Opp. at 3.) But "the manner in which
13 businesses utilize e-mail has changed drastically in the eighteen
14 years since Monotype was decided." Rogers v. Oregon Trail Elec.
15 Consumers Co-op., Inc., No. 3:10-CV-1337-AC, 2012 WL 1635127, at *8
16 (D. Or. May 8, 2012) (citing cases in which district courts in the
17 Ninth Circuit have found e-mails to be admissible under the business
18 records exception).² See e.g., Ionian Corp. v. Country Mut. Ins.
19 Co., No. 3:10-cv-0199-ST, 2011 WL 6070442, at *2, *18 (D. Or. Dec. 2,
20 2011) (admitting e-mails as business records); Volterra Semiconductor
21 Corp. v. Primarion, Inc., No. C-08-05129 JCS, 2011 WL 4079223, at *7
22 (N.D. Cal. Sept. 12, 2011) ("[Plaintiff] laid a foundation at trial
23 establishing that the e-mail was admissible under the business record
24

25 ² Defendant's authority also predates the 2017 amendments to the
26 Federal Rules of Evidence. Rules 902(13) and (14) now allow for the
27 introduction of certified records "generated by an electronic process
28 or system that produces an accurate result," as well as certified
data from an "electronic device, storage medium, or file." The
electronic records here qualify under both rules.

1 exception to the hearsay rule."); Age Group Ltd. v. Regal West Corp.,
2 No. C07-1303BHS, 2008 WL 4934039, at *2-3 (W.D. Wash. Nov. 14, 2008)
3 (excluding e-mail evidence, but only because the proponent failed to
4 lay the foundation to qualify the e-mails as business records)).³

5 Moreover, e-mails from internet service providers ("ISPs") like
6 Google and Microsoft must pass through servers to reach the intended
7 recipients, making ISPs the functional equivalent of a post office or
8 telephone company. See United States v. Warshak, 631 F.3d 266, 286
9 (6th Cir. 2010). An ISP also stores, in the ordinary course of its
10 business, copies of the messages that pass through it. The content
11 of any message is unimportant for the ISP; rather, it is the
12 existence of the record, and its preservation, that matters. See
13 Theofel v. Farey-Jones, 359 F.3d 1066, 1070 (9th Cir. 2004).

14 Defendant's reliance on United States v. Cone, 714 F.3d 197 (4th
15 Cir. 2013) is thus misplaced. (Opp. at 4.) In Cone, the Fourth
16 Circuit expressed concern that some e-mails may be "a more casual
17 form of communication than other records usually kept in the course
18 of business" and that an e-mail created within a business entity does
19 not, for that reason alone, satisfy the business record exception.
20 Cone, 714 F.3d at 220. While Cone addressed e-mails as business

21 ³ District courts in other circuits have also found e-mails
22 admissible as business records. See, e.g., United States v. Stein,
23 2007 U.S. Dist. LEXIS 76201, at *3-5 (S.D.N.Y. Oct. 15, 2007)
24 (rejecting the contention that the proponent must "show[] that the e-
25 mails at issue were created pursuant to established company
26 procedures for the systematic or routine making of company records,"
27 and holding that, "regularity of making such records and of the
28 business activity is all that is required"); LeBlanc v. Nortel
Networks Corp., 2006 U.S. Dist. LEXIS 17785, at *16 (M.D. Ga. March
30, 2006) (finding e-mails likely to be admissible under the business
records exception of Fed. R. Evid. 803(6)).

1 records within the context of the business that relies on e-mails,
2 such as a store, nowhere did it address the business record exception
3 for e-mails that were presented directly from the ISP – i.e., the
4 functional equivalent to a telephone record from a telephone company.
5 See id.; United States v. Linn, 880 F.2d 209, 216 (9th Cir. 1989),
6 overruled on other grounds by Florida v. White, 526 U.S. 559, 563
7 (1999). Accordingly, the ISP e-mail records here are admissible
8 under Rules 803 and 902 without live testimony from ISP custodians.⁴

9 **B. Shipping Records**

10 Defendant concedes that the shipping records “may properly be
11 considered business records under Federal Rule of Evidence 803(6),”
12 but he claims the records may contain double hearsay. (Opp. at 3,
13 6.) This objection is both premature and meritless. See, e.g.,
14 United States v. Arteaga, 117 F.3d 388, 396 n.12 (9th Cir. 1997)
15 (discussing customer-supplied information in certified records).

16 **C. TECS Records**

17 Defendant likewise does not appear to dispute that TECS Records
18 are admissible under Rules 803 and 902, but he asserts that the
19 government has not identified which records it seeks to introduce.
20 Again, defendant misrepresents the facts. In letters to defense
21 counsel, the government specifically identified 53 pages of TECS
22

23 ⁴ Even if the e-mails could not be authenticated and admitted
24 under Rules 803 and 902, they are authentic and admissible under
25 other rules of evidence (such as Rule 901(b)(4)) because, for
26 example, the messages were authored or received by defendant, his
27 authorized agent, and his coconspirators in their true names. See,
28 e.g., United States v. Siddiqui, 235 F.3d 1318, 1322 (11th Cir. 2000)
(an e-mail identified as originating from the defendant’s e-mail
address and that automatically included the defendant’s address when
the reply function was selected was considered sufficiently
authenticated); United States v. Fluker, 698 F.3d 988, 999–1000 (7th
Cir. 2012); United States v. Brinson, 772 F.3d 1314 (10th Cir. 2014).

1 records that it intends to introduce at trial.⁵ Such records are
2 admissible under binding Ninth Circuit precedent, United States v.
3 Orozco, 590 F.2d 789, 793 (9th Cir. 1979), and defendant identifies
4 no authority to the contrary.

5 **D. Treasury Department Records**

6 Defendant similarly appears to acknowledge that FinCEN records
7 are also admissible under the Public Records Exception but objects
8 that a certification of "no records" would violate his Confrontation
9 Clause Rights. In light of defendant's objection, but without
10 conceding its validity, the government now intends to call another
11 witness whose sole purpose will be to explain FinCEN's records system
12 and the significance of a "no records" entry.

13 **E. State Department Records**

14 Defendant misleadingly tells the Court that the State Department
15 Records at issue are "unidentified." (Opp. at 8.) But as with the
16 TECS records, the government has specifically identified 367 pages of
17 Visa records - which contain the names of the individuals in the
18 records - in letters to defense counsel. As another judge in this
19 district held in a recently-published opinion, visa records are self-
20 authenticating under Rule 902 and admissible under Rule 803. Ngamfon
21 v. United States Dep't of Homeland Security, 349 F. Supp. 3d 975, 980
22 n.1 (C.D. Cal. 2018) (citing United States v. Loyola-Dominguez, 125
23 F.3d 1315, 1317 (9th Cir. 1997)).

27 ⁵ Including a handful of additional TECS and visa records
28 identified after the filing of the motion. (Reply Exh. A.)

1 **F. Federal Register**

2 Federal law requires that the contents of the Federal Register
3 "shall be judicially noticed[.]" 44 U.S.C. § 1507.⁶ Nevertheless,
4 defendant claims that the contents of the Federal Register are not
5 admissible because they are "not a compilation of laws and
6 regulations." (Opp. at 8.) Defendant's bizarre argument is
7 foreclosed by 44 U.S.C. § 1507 and United States v. Woods, 335 F.3d
8 993, 1001 (9th Cir. 2003) ("Far from abusing its discretion, the
9 district court complied with federal law by judicially noticing the
10 Rule."). Despite even more misleading language from defendant (Opp.
11 at 8:13), the government has already specifically identified the 58
12 pages of the Federal Register that it intends to introduce. (Mot.,
13 Ex. A.)

14 **III. CONCLUSION**

15 For all these reasons, the Court should grant the government's
16 motion in limine no. 3.

21 ⁶ 44 U.S.C. § 1507 provides, "The publication in the Federal
22 Register of a document creates a rebuttable presumption -- (1) that
23 it was duly issued, prescribed, or promulgated; (2) that it was filed
24 with the Office of the Federal Register and made available for public
25 inspection at the day and hour stated in the printed notation; (3)
26 that the copy contained in the Federal Register is a true copy of the
27 original; and (4) that all requirements of . . . the regulations
28 prescribed under it relative to the documents have been complied
with." Section 1507 provides further, "The contents of the Federal
Register shall be judicially noticed." While the Court should take
judicial notice that the contents of the Federal Register
publications here were duly issued, made available for public
inspection as stated, are true copies of the originals, and comply
with all regulatory requirements, this does not relieve the
government from admitting the Federal Register publications into
evidence to prove the Entity List placements.

REPLY EXHIBIT A



United States Department of Justice

United States Attorney's Office Central District of California

Judith A. Heinz
Phone: (213) 894-7280
E-mail: Judith.Heinz@usdoj.gov

James Hughes
Phone: (213) 894-4961
E-mail: James.Hughes@usdoj.gov

Melanie Sartoris
Phone: (213) 894-5615
E-mail: Melanie.Sartoris@usdoj.gov

1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

William Rollins
Phone: (213) 894-7407
E-mail: William.Rollins@usdoj.gov

Khaldoun Shobaki
Phone: (213) 894-0759
E-mail: Khaldoun.Shobaki@usdoj.gov

March 14, 2019

VIA E-MAIL

James W. Spertus
John Hanusz
Christa Culver Wasserman
Spertus Landes and Umhofer LLP
1990 South Bundy Drive Suite 705
Los Angeles, CA 90025
310-826-4700
Fax: 310-826-4711
Email: jim@spertuslaw.com
john@spertuslaw.com
christa@spertuslaw.com

Re: United States v. Shih et al.
CR 18-50(B)-JAK

Dear Counsel:

The government hereby supplements its previous notice, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), that the government intends to use the testimony of the following witnesses under Federal Rules of Evidence 602, 702, 703, and/or 705. While the government expects the testimony of these witnesses will be factual, rather than opinion, we expect their testimony will, at least in part, rely on their specialized knowledge, training, experience, and expertise. Therefore, the government is providing notice of their proposed testimony at this time out of an abundance of caution, in the event that the proposed testimony may be construed to qualify as expert testimony.

All defense counsel

RE: United States v. Shih et al, CR 18-50(A)-JAK

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Carlos Monroy, Licensing Officer, Bureau of Industry and Security

In addition to the summaries of Mr. Monroy's testimony provided previously, the government expects that his testimony will also include the following: (1) that exports to an individual or entity on the Entity List (Supplement No. 4 to Part 744 of the EAR) require a license, and that such licenses are presumptively denied; (2) that there are no list-based exceptions with respect to MMIC exports to China; (3) that the MMICs for which he has provided license determinations do not qualify for exceptions to the license requirement, including that for civil telecommunications applications; and (4) that the TSR, TMP, LVR and LVS exceptions to the license requirement do not apply to the MMICs for which he has provided license determinations. Mr. Monroy is also expected to provide background testimony and explanation about the Wassenaar Arrangement and its relation to the Commerce Control List.

Mr. Monroy is expected to testify that his opinions are based on his training and education, his experience as an engineer and Licensing Officer, evaluation of test results for the Cree MMICs, his review of the Second Superseding Indictment, the evidence in this case, scientific and academic literature, and open-source materials. Mr. Monroy's testimony is anticipated to include discussion of, among other things, the following documents: USAO_SHIH_01553173 to USAO_SHIH_01553202, USAO_SHIH_01553211 to USAO_SHIH_01553216, USAO_SHIH_01554631 to USAO_SHIH_01554681, YC_SHIH_00013928 to YC_SHIH_00013936.

Peter L. Mattis, M.A.

Mr. Mattis is a Research Fellow in China Studies at the Victims of Communism Memorial Foundation. His qualifications are more fully articulated in his attached curriculum vitae.

The government expects that Mr. Mattis will discuss and describe his opinions about: (1) the efforts and methods used by entities and individuals in the People's Republic of China ("PRC") to obtain information about restricted U.S. technology, including semiconductors, to enhance and promote the PRC's MMIC production capabilities; (2) the control of Qing'an International Trading Co., Ltd, aka Qing'an International Trading Group ("QTC") by the PRC's People's Liberation Army, and the use of front companies by QTC to avoid international scrutiny in the procurement of export controlled goods and sensitive technologies; and (3) the stated policy of the PRC to develop a powerful military and to do so by means of military-civil fusion like that shown by the evidence in this case with respect to QTC, Chengdu Gastone Technology Co., Ltd., Chengdu Electronics Technology Group Corporation 29 Research Institute ("CETC 29"), and other entities. The government also expects that Mr. Mattis will provide some background and explanatory testimony about Chinese business organizations and structures, as it pertains to the entities at issue in this case.

Mr. Mattis is expected to testify that his opinions are based on his training and education, his extensive experience with the PRC, his review of the Complaint and Second Superseding Indictment, the evidence in this case, academic literature, and open-source materials.

All defense counsel

RE: United States v. Shih et al, CR 18-50(A)-JAK

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State Department Witness

The government hereby supplements its December 6, 2018 notice, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G).

In addition to the information included in the December 6, 2018 notice and the Visa applications described therein (which were previously produced in discovery as Bates Nos. YC_SHIH_11,432-11765), the government also intends to illicit the testimony described in the December 6, 2018 letter regarding certified copies of the visa records produced today (Bates Nos. YC_SHIH_00014361-78, 00014383-14400).

It is expected that the bases and reasons for the witness's testimony and any opinions will be the witness's experience and familiarity with the practices and procedures regarding obtaining a Visa to travel from the PRC to the United States, and the witness's review of certain Visa application records. The government will supplement this notice in the future with additional information regarding the State Department witness.

David R. Sandison, Ph.D.

The government hereby supplements its December 6, 2018 and February 14, 2019 notices, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), that the government intends to use the testimony of David R. Sandison, Ph.D. at trial under Federal Rules of Evidence 602, 702, 703, and/or 705.

With more than 25-years working in the national security industry in the United States, Dr. Sandison has specialized knowledge regarding threats to United States technical items and how people seek to avoid export controls, including in the PRC. These issues are regularly discussed in his industry, and in the academic and other open source information he consumes. For example, Dr. Sandison is currently participating in the Massachusetts Institute of Technology ("MIT") Seminar XXI, which is designed for senior military officers, government officials, and nongovernment agencies in the national security and international economic policy communities. The PRC's efforts to obtain restricted U.S. technology is among the topics discussed by the programs' Fellows.

Also produced today are additional documents provided to Dr. Sandison for consideration and upon which he may testify and which, *inter alia*, form the bases of his opinions (Bates Nos. YC_SHIH_00014403-17195).

Dr. Sandison is expected to testify that his opinions are based on his training and education, his extensive experience as described in his biography page and curriculum vitae, which were previously provided as attachments to the December 6, 2018 expert disclosure letter, and his review of the Second Superseding Indictment, the evidence in this case, including the evidence referred to in the attached report and attachments thereto, scientific and academic literature, and open-source materials.

FBI Special Agent Jamaal Westby

All defense counsel

RE: United States v. Shih et al, CR 18-50(A)-JAK

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Although the government believes Special Agent Jamaal Westby's testimony will be factual, rather than opinion, we expect his testimony will, at least in part, rely on his specialized knowledge, training, and experience, and therefore we provide notice in an abundance of caution. Special Agent Westby's training and experience are summarized below.

Special Agent Westby will testify regarding the Treasury Enforcement Communication System ("TECS") database records of Yi-Chi Shih and Ishiang Shih, among others. These records were previously produced to you at YC_SHIH_00012045-12093, and additional records are being produced to you today at YC_SHIH_00014379-82 and YC_SHIH_00014401-02. Before joining the FBI, Special Agent Westby worked as a Customs and Border Protection ("CBP") Officer for more than five years. Based on his training and experience as a CBP officer, Special Agent Westby will testify about the procedures and requirements for international travel, including that U.S. citizens can enter the country with their U.S. passports, and that non-U.S. citizens may enter the United States with their foreign passport, a visa, through a visa-waiver, a permanent residency card or other valid entry documents, and the general practices and procedures for international travel.

Special Agent Westby will testify that when an airline ticket is purchased and when a person checks in for a flight, the airline will transmit the information to the United States Department of Homeland Security, and it will be stored in the TECS databases. Special Agent Westby will explain that the TECS database reflects the inbound and outbound airports to and from which airline passengers travel. He will testify that CBP also stamps foreign passports when a person is approved for entry into the United States.

In addition to testifying about the process for international travel generally, Special Agent Westby will testify that the defendant and others mentioned in the records produced to you (YC_SHIH_00012045-12093, YC_SHIH_00014379-82, and YC_SHIH_00014401-02) traveled to and from foreign airports, and used and possessed certain passports at the U.S. airports and locations mentioned in the records, and that these individuals were permitted to enter the U.S. on certain dates based upon their representations to CBP and various entry documents.

Special Agent Westby will testify about his background, training and experience, his examination of the TECS records above, and his examination of Yi-Chi Shih's passport. The basis for Special Agent Westby's opinions are his experience and familiarity with the practices and procedures of CBP and for entering and leaving the United States, the TECS databases and his review of defendant's passport. Should Special Agent Westby be unavailable at trial, the government expects to call a CBP Officer to testify as an expert set forth above, and will supplement this notice with the name and qualifications of that Officer.

Supplementation of This Notice

The government reserves the right to supplement this notice, and to give advance notice of additional expert witnesses whom it intends to call at trial.

All defense counsel

RE: United States v. Shih et al, CR 18-50(A)-JAK

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Request for Reciprocal Discovery

With this letter, the government requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure. In particular, the government requests immediate disclosure of expert witnesses under Rule 16(b)(C) of the Federal Rule of Criminal Procedure.

The government also requests notice of any intention of your client to rely on an entrapment defense, or a defense involving mental condition or duress, public authority, and/or an alibi defense. Pursuant to Federal Rule of Criminal Procedure 12.1, the dates, times, and places of the charged offenses are detailed within the materials produced to you in discovery and in the Second Superseding Indictment. Please contact me immediately if you believe that this notice is insufficient.

Very truly yours,

Judith A. Heinz

Judith A. Heinz
Assistant United States Attorney
National Security Division

Enclosure

PETER L. MATTIS

Research Fellow, China Studies
Victims of Communism Memorial Foundation
300 New Jersey Avenue NW, Suite 900
Washington, DC 20001
peter.mattis@victimsofcommunism.org
(202) 725-8953

EDUCATION

M.A. with Honors in Security Studies, Georgetown University, 2011

Thesis: “Chinese Human Intelligence Operations Reconsidered: Toward a New Baseline”

B.A. with Honors in Political Science, University of Washington, 2005

B.A. in International Studies – Asia, University of Washington, 2005

REPORTS AND MONOGRAPHS

Analyzing the Chinese Military: A Review Essay and Resource Guide on the People’s Liberation Army
(Charleston, SC: CreateSpace Publishing, 2015) 145 pages

JOURNAL ARTICLES AND BOOK CHAPTERS

“The Center of Chinese Influence: The Chinese People’s Political Consultative Conference” in J. Michael Cole and Hsu Szu-chien, eds., *The Corrosion of Democracy under China’s Global Influence* (forthcoming 2018)

“China Shapes the International Media Environment,” in Ilan Berman, ed., *Digital Dictators: Media, Authoritarianism, and America’s New Challenge* (Lanham, MD: Rowman & Littlefield, Forthcoming 2018) (with Samantha Hoffman)

“Russian and Chinese Political Interference Activities and Influence Operations,” in Richard J. Ellings and Robert Sutter, *Axis of Authoritarians: Implications of China-Russia Cooperation* (Seattle, WA: The National Bureau of Asian Research, 2018)

“From Engagement to Rivalry: Tools to Compete with China,” *Texas National Security Review*, Vol. 1, No. 4 (August 2018)

Mattis CV, 2

“Playing Catchup: Restructuring Military Intelligence to Support Systems of Systems Operations,” in Joe McReynolds, ed., *China’s Evolving Military Strategy* (Washington, DC: The Jamestown Foundation, 2016)

“Electronic Warfare and the Renaissance of Chinese Information Operations,” in Joe McReynolds, ed., *China’s Evolving Military Strategy* (Washington, DC: The Jamestown Foundation, 2016) (with John Costello)

“Li Kenong and the Practice of Chinese Intelligence,” *International Journal of Intelligence and Counterintelligence*, Vol. 28, No. 3 (2015), pp. 540–556

“Nothing New, Nothing Great: Exploring ‘New Type of Great Power Relations’,” *Washington Journal of Modern China*, Vol. 11, No. 1 (2013), pp. 17–38

“Beyond Spy versus Spy: Clarifying the Analytic Challenge of the Chinese Intelligence Services,” *Studies in Intelligence*, Vol. 56, No. 4 (September 2012), pp. 47–57

- Reprinted in Sean Breslin, Carla Simon, and Simon Shen, eds., *International Relations of China* [8 Vol.] (London: SAGE Publications, 2014)

“Assessing Western Perspectives on Chinese Intelligence,” *International Journal of Intelligence and Counterintelligence*, Vol. 25, No. 4 (Fall 2012), pp. 678–699

BOOK REVIEWS

Review of Daniel Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton, NJ: Princeton University Press, 2015) in *Cambridge Review of International Affairs*, Vol. 29, No. 1 (Winter 2016)

Review of William Hannas, James Mulvenon, and Anna Puglisi, *Chinese Industrial Espionage: Technology Acquisition and Military Modernization* (New York: Routledge, 2013), in *International Journal of Intelligence and Counterintelligence*, Vol. 28, No. 2 (Spring 2015)

Review of I.C. Smith and Nigel West, *Historical Dictionary of Chinese Intelligence*, in *Studies in Intelligence*, Vol. 56, No. 4 (December 2012)

Review of David Wise, *Tiger Trap: America’s Secret Spy War with China*, in *International Journal of Intelligence and Counterintelligence*, Vol. 25, No. 1 (Spring 2012)

WORKING PAPERS

“Operational Profiles of the Chinese Intelligence Services” (book manuscript under review)

“The Effectiveness of Intelligence Organizations: Beyond Individual Successes and Failures”

“Seeking Truth from Facts: Chinese Human Intelligence Reconsidered”

“Subject Matter Expertise as Analysts’ Core Competence” (co-author)

CONFERENCE AND INVITED PRESENTATIONS

“An American Lens on China’s Interference and Influence-Building”

- The Jamestown Foundation, Washington, DC, October 2018
- China Forum, Washington, DC, September 2018
- Australian National University, Canberra, Australia, September 2018
- Australia Strategic Policy Institute, Canberra, Australia, September 2018
- Macquarie University, Sydney, Australia, September 2018
- German Marshall Fund, Berlin, Germany, July 2018
- U.S. Department of State, Washington, DC, May 2018
- U.S.-China Security and Economic Review Commission, Washington, DC, April 2018
- House Foreign Affairs Committee - Asia-Pacific Subcommittee, Washington, DC, March 2018
- Asan Forum, Washington, DC, March 2018
- Council on Foreign Relations, Washington, DC, January 2018

“Chinese Intelligence and the Challenge of Global Reach”

- Murdoch University, Perth, Australia, September 2018
- International Institute for Strategic Studies, July 2018
- Annual China Conference, Ministry of Defense, The Hague, Netherlands, March 2017
- Joint Staff (J39), Washington, DC, October 2016
- CASIS-ACERS Annual Symposium, Ottawa, Canada, January 2015

“China in the Shadows: An Overview of Chinese Clandestine Power”

- UK Royal Navy, Portsmouth, UK, July 2018
- Department of Foreign Affairs and Trade, Canberra Australia, December 2017
- (Cyber Portion) Foreign & Commonwealth Office, London, UK, April 2017
- Prague Security Studies Institute, Prague, Czech Republic, March 2017
- National Cybersecurity Centre, Prague, Czech Republic, March 2017

“China Shapes the Global Media Environment”

- American Foreign Policy Council, Washington, DC, May 2018

“Meeting the China Counterintelligence Challenge: The Place for Open Sources”

- Canadian Security Intelligence Service, Ottawa, Canada, March 2018
- Office of the Director of National Intelligence, Washington, DC, January 2018
- Innovative Analytics, Washington, DC, November 2017

“Comparing the U.S. and Australian Experiences with Chinese Interference”

- Australian National University, Canberra, Australia December 2017

“Power and Party: How the CCP Shapes China’s Security Apparatus”

- Project 2049 Institute, Washington, DC, October 2017

“Chinese Intelligence Operations against Taiwan: An Open Source View”

- The Jamestown Foundation, Washington, DC, October 2017

“The Center of Chinese Influence: The Chinese People’s Political Consultative Conference”

- Taiwan Foundation for Democracy, Washington, DC, September 2017

“U.S.-Taiwan Relations under the Trump Administration: A Case for Optimism”

- Taiwan Think Tank - Global Taiwan Institute, Taipei, Taiwan, August 2017

“Managing the Power Within: China’s Central State Security Commission”

- Institute for International Strategic Studies, London, UK, April 2017

“From the Barrel of a Gun: Politics, Power, and the Chinese Military”

- University of Nottingham, Nottingham, UK, April 2017
- University of Washington, Seattle, WA, January 2017

“Chinese Information Operations: Beyond the “Three Warfares””

- Annual China Conference, Ministry of Defense, The Hague, Netherlands, March 2017

“The Effectiveness of Intelligence Organizations: Beyond Individual Successes and Failures”

- Seattle Pacific University, Seattle, WA, January 2017
- International Studies Association Annual Conference, San Diego, CA, April 2012

“Is China Still Communist”

- China Forum, Victims of Communism Memorial Foundation, October 2016

“How ‘Strategic’ is China’s National Security Policy”

- Paulson Institute and University of Chicago, October 2016

“Chinese Human Intelligence Operations against the United States”

- U.S.-China Security and Economic Review Commission, June 2016

“Intelligence Cascades: Generating Collection Decisions to Drive Intelligence Support”

- Canadian Security Intelligence Service, Ottawa, Canada, May 2016

“Restructuring PLA Intelligence”

- The Jamestown Foundation, Washington, DC, May 2016

“Beyond Spy vs Spy: Understanding the Chinese Intelligence Challenge”

- Real Instituto Elcano, Madrid, Spain, December 2015
- University of Cambridge, Cambridge, UK, November 2012

- China Hands, Washington, DC, April 2011

“PLA Military Intelligence at 90: Consistent Evolution”

- “The PLA at 90 – Annual CAPS-RAND-NDU International Conference on the PLA,” Taipei, November 2015

“Breaking Points and U.S.-China Divergence: Coming Back to Cooperation”

- Carter Center, Atlanta, GA, October 2015

“The Long Road to Professionalization: Speculation on Chinese Intelligence Modernization”

- “Brittle Might? Testing China’s Success – Annual Outreach Conference,” Canadian Security Intelligence Service, Ottawa, Canada, October 2015

“Meeting Taiwan’s Counterintelligence Challenge”

- Project 2049 Institute, Washington, DC July 2015

“From Model Soldiers to Professional Advisers: The PLA’s Evolving Role in Governance”

- “China-Cuba: Trajectories of Post-Revolutionary Governance Conference,” Tulane University, New Orleans, April 2015

“Chinese Intelligence Operations: Comparing the Taiwan and U.S. Experience”

- Institute for International Relations, National Cheng-chi University, Taipei, January 2015

“Unraveling the Chinese Intelligence Threat: Concepts, Institutions, and Operations”

- Canadian Security Intelligence Service, Ottawa, Canada, January 2015
- Mid-Coast Forum on Foreign Relations, Rockport, ME, April 2014
- Intelligence Seminar, University of Cambridge, Cambridge, UK, November 2012
- George Washington University, Washington, DC, November 2011
- Georgetown University, Washington, DC, October 2011

“Chinese Nationalism and the Chinese Communist Party: A Contrarian View”

- Canadian Security Intelligence Service, Ottawa, Canada, January 2015

“U.S. Strategy and State Actors: Evaluating U.S. and Chinese Strategies”

- U.S. National Intelligence University, RAF Molesworth, April 2014

“Unraveling the Chinese Intelligence Threat: Concepts, Institutions, and Operations”

- Mid-Coast Forum on Foreign Relations, Rockport, ME, April 2014
- Intelligence Seminar, University of Cambridge, Cambridge, UK, November 2012
- George Washington University, Washington, DC, November 2011
- Georgetown University, Washington, DC, October 2011

“Li Kenong and the Practice of Chinese Intelligence”

- International Studies Association Annual Conference, Toronto, Canada, March 2014

“Understanding Cyber in China’s Intelligence Context”

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- The Jamestown Foundation, Washington, DC, March 2014
- “Regional Implications of U.S.-China Relations under a ‘New Type of Great Power Relations’”
- National Cheng-chi University, Taipei, ROC, August 2013
- “A Preliminary Assessment of Xi Jinping’s Domestic and Foreign Policy Performance”
- Prospect Foundation, Taipei, ROC, August 2013
- “Modernizing the Ministry of Public Security”
- The Jamestown Foundation, Washington, DC, February 2013
- “Chinese Nationalism vs. American Exceptionalism: Ever Expanding, Ever Conflicting Interests”
- China Foreign Affairs University, Beijing, October 2012
- “The Impact of Chinese Security Policy on Cross-Strait Security and U.S. Policy toward Taiwan”
- Formosan Association for Public Affairs, Washington, DC, August 2011

WORK EXPERIENCE

Victims of Communism Memorial Foundation (Washington, DC): Research Fellow, China Studies (April 2018 – Present)

- Organizer for annual China conference
- Develop and execute research projects related to contemporary China
- Brief government audiences on China
- Review all China-related materials for the foundation

The Jamestown Foundation (Washington, DC): Fellow, China Program (August 2013 – Present); Editor, *China Brief* (July 2011 – August 2013)

- Edited and published the *China Brief*, a biweekly journal covering Greater China
- Wrote biweekly column on based on Chinese-language source materials
- Organized annual China Defense and Security Conference
- Drafted grant proposals and grant reporting requirement documents
- Briefed corporate audiences on managing security programs
- Ellis Joffe Award in PLA Studies Finalist sponsored by National Bureau of Asian Research

Central Intelligence Agency (MacLean, VA): Counterintelligence/Political Analyst (August 2006 – September 2010)

- Delivered tactical and strategic analysis of foreign intelligence processes to policymakers and Intelligence Community decision-makers
- Analyzed foreign intelligence threats to U.S. policy and intelligence equities
- Lecturer, Department of Defense, Joint Counterintelligence Training Academy
- CIA Counterintelligence Center Annual Award for Analytic Leadership (2009–2010)
- Exceptional Performance Award for Community Support (2008)

National Bureau of Asian Research (Seattle, WA): Research Associate, Strategic Asia and Northeast Asian Studies Programs (April 2003 – July 2003; September 2004 – June 2006)

- Recruited scholars and designed research approach for paper series on Japan-Taiwan relations for U.S. Pacific Command
- Worked on all aspects of *Strategic Asia 2003–04: Fragility and Crisis*, *Strategic Asia 2005–06: Military Modernization in an Era of Uncertainty*, and *Strategic Asia 2006–07: Trade, Interdependence, and Security*, including copyediting, fulfilling authors' research requests, and updating the Strategic Asia database
- Authored background papers on nuclear proliferation and civilian nuclear prospects in Asia
- Co-managed Strategic Asia Database and co-authored new operating manual
- Created and researched new Political & International Relations indicators for database
- Drafted and edited company documents, including talking points

MEDIA APPEARANCES

Foreign Policy, October 2, 2018

New York Times, September 21, 2018

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News.com.au, September 16, 2018
Australian Financial Review, September 8, 2018
ABC [Australia], Matter of Fact, September 6, 2018
ABC Radio National [Australia], September 4, 2018
Süddeutsche Zeitung, July 6, 2018
Wired, June 10, 2018
Washington Post, June 8, 2018
CNN, May 30, 2018
Bloomberg, May 9, 2018
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Christian Science Monitor, January 17, 2018
Washington Post, January 14, 2018
Washington Post, January 12, 2018
Washington Post, January 10, 2018
Special Broadcast Service News [Australia], December 15, 2017
The Economist, December 14, 2017
Sydney Morning Herald, December 5, 2017
Australian Broadcast Corporation, December 3, 2017
Australian Broadcast Corporation, *Saturday AM*, December 2, 2017
Foreign Policy, November 28, 2017
Center for Strategic and International Studies, *China Power Podcast*, November 20, 2017
The Guardian, September 13, 2017
Financial Times, September 12, 2017
Newsroom [New Zealand], September 12, 2017
Foreign Policy, June 23, 2017
Australian Broadcast Corporation, *Four Corners*, June 5, 2017
Christian Science Monitor, April 14, 2017
Economist, November 12, 2016
Wall Street Journal, November 8, 2016
Wall Street Journal, August 15, 2016
Center for Strategic and International Studies, *CogitAsia Podcast*, July 19, 2016
Asia Times, June 14, 2016
UPI, March 25, 2015
Financial Times, March 17, 2015
Wall Street Journal, January 16, 2015
Defense News, October 11, 2014
BBC [Chinese-language Service], July 3, 2014
BBC [Chinese-language Service], July 1, 2014
The Saturday Paper [Australia], May 31, 2014
Australian Broadcast Corporation, *Late Night Live*, April 28, 2014
Sydney Morning Herald, April 11, 2014
National Public Radio, *Marketplace*, January 17, 2013
Defense News, *Defense News with Vago Muradian*, November 18, 2012
Christian Science Monitor, May 21, 2012

GRANTS AND OTHER AWARDS

Smith Richardson Foundation, 2014 (\$45,000) – co-investigator
Carthage Foundation, 2014 (\$46,000) – co-investigator
Smith Richardson Foundation, 2012 (\$85,000) – co-investigator

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Member, American Political Science Association (2015 – Present)
Member, International Studies Association (2011 – Present)
Policy Assistant, American Mandarin Society (2013 – Present)
Member, Young Professionals in Foreign Policy (2006 – Present)
Reviewer, Smith Richardson Foundation (2013 – Present)

OP-EDS, COMMENTARY, AND OTHER PUBLICATIONS

“Strengthening U.S.-Taiwan Defense Relations: Responding to the PRC's Increased Pressure on Taiwan,” *NBR Roundtable*, May 2018

“China’s Incursion on American Campuses is Nothing to Take Lightly,” *The Hill*, May 3, 2018 (with Samantha Hoffman)

“An American Lens on China’s Interference and Influence-Building Abroad,” *Asan Forum*, April 30, 2018

“What We Talk About When We Talk About Chinese Communist Party Interference in the Public Square,” *War on the Rocks*, March 7, 2018

“China’s ‘Three Warfares’ in Perspective,” *War on the Rocks*, January 30, 2018

“Contrasting China’s and Russia’s Influence Operations,” *War on the Rocks*, January 16, 2018

“Laws on Foreign Influence Just the Beginning in Fight Against Chinese Coercion,” *Sydney Morning Herald*, December 7, 2017

“What’s the Takeaway from the 19th Party Congress? A ChinaFile Conversation,” *ChinaFile*, October 27, 2017

“Optimism for Taiwan’s Defense: A Review of ‘The Chinese Invasion Threat’,” *Taiwan Sentinel*, October 7, 2017

“Chinese Legislation Points to New Intelligence Co-ordinating System,” *Jane’s Intelligence Review*, September 5, 2017

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“Australia Is Debating Chinese Influence. Should the U.S. Do the Same? A ChinaFile Conversation,” *ChinaFile*, June 11, 2017

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“Security Fail: The Foreign Investment Process is Broken,” *The National Interest*, February 6, 2017

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“Getting China Right from Carter to Obama,” *War on the Rocks*, August 22, 2016

“Army Day Themes Laud Party Leadership, Highlights Discord,” *Jamestown Foundation Chain Brief*, Vol. 16, No. 13, August 22, 2016

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- “New Law Reshapes Chinese Counterterrorism Policy and Operations,” *Jamestown Foundation China Brief*, Vol. 16, No. 2, January 26, 2016
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“Better Intel: Making Sense of the U.S. Intelligence Community's Creativity Dilemma,” *The National Interest*, November 3, 2014

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“Inside China’s New Security Council,” *The National Interest*, November 21, 2013 (with Samantha Hoffman)

“What to Ask at the Third Plenum: Is Xi’s Party Building Sufficient for Reform?” *Jamestown Foundation China Brief*, Vol. 13, No. 16, August 9, 2013

“Pushing the ‘New Type of International Relations’ in Latin America,” *Jamestown Foundation China Brief*, Vol. 13, No. 15,

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“Chinese Dreams: An Ideological Bulwark, Not a Framework for Sino-American Relations,” *Jamestown Foundation China Brief*, Vol. 13, No. 12, June 7, 2013

“Nothing New about China’s New Concept,” *The National Interest*, June 7, 2013

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“Out with the New, In with the Old: Interpreting China’s ‘New Type of International Relations,’” *Jamestown Foundation China Brief*, Vol. 13, No. 9, April 25, 2013

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“Informatization Drives Expanded Scope of Public Security,” *Jamestown Foundation China Brief*, Vol. 13, No. 8, April 12, 2013

“South Sea Fleet Exercises Shine Spotlight on Tensions,” *Jamestown Foundation China Brief*, Vol. 13, No. 7, March 28, 2013

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“Rigorous Training Schedule Highlights PLA’s Focus on People,” *Jamestown Foundation China Brief*, Vol. 13, No. 5, March 4, 2013

“Can Xi Jinping Grow Political Power Out of the Barrel of a Gun?” *Jamestown Foundation China Brief*, Vol. 13, No. 4, February 15, 2013

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“Zhou Yongkang’s Trip Highlights Security Diplomacy,” *Jamestown Foundation China Brief*, Vol. 12, No. 19, October 5, 2012

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“Resolving Contradictions in Social Management,” *Jamestown Foundation China Brief*, Vol. 12, No. 18, September 21, 2012

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“Cambodian Visit to China Rubs Salt in ASEAN Wounds,” *Jamestown Foundation China Brief*, Vol. 12, No. 17, September 7, 2012

“Hu Jintao’s Doubtful Future on the Central Military Commission,” *Jamestown Foundation China Brief*, Vol. 12, No. 16, August 17, 2012

“Looking Ahead at Politburo Possibilities,” *Jamestown Foundation China Brief*, Vol. 12, No. 15, August 4, 2012

“Reexamining the Confucius Institutes,” *The Diplomat*, August 2, 2012

“Shoring Up PLA ‘Military Cultural Security’ to Ensure Stability,” *Jamestown Foundation China Brief*, Vol. 12, No. 14, July 19, 2012

“How Much Power Does China’s ‘People’s’ Army Have?” *The Diplomat*, July 13, 2012

“Re-Popularizing Marxism: Li Changchun’s Contribution to Reform,” *Jamestown Foundation China Brief*, Vol. 12, No. 13, July 6, 2012

“Is China Scared of a Coup?” *The Diplomat*, July 4, 2012

“Zhou Yongkang’s Successor,” *The Diplomat*, June 29, 2012

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“State Council Highlights China’s Information Security Challenges,” *Jamestown Foundation China Brief*, Vol. 12, No. 10, May 11, 2012

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“China Fêtes Turkish Leader as Beijing Recognizes Ankara’s Growing Role,” *Jamestown Foundation China Brief*, Vol. 12, No. 8, April 12, 2012

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“Zhou Yongkang and the Tarnished Reputation of China’s Police,” *Jamestown Foundation China Brief*, Vol. 12, No. 7, March 30, 2012

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“Another Lei Feng Revival: Making Maoism Safe for China,” *Jamestown Foundation China Brief*, Vol. 12, No. 5, March 2, 2012

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“Wukan Uprising Highlights Dilemmas of Preserving Stability,” *Jamestown Foundation China Brief*, Vol. 11, No. 23, December 20, 2011

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“Mekong Murders Spur Beijing to Push New Security Cooperation,” *Jamestown Foundation China Brief*, Vol. 11, No. 21, November 11, 2011

“China’s Misunderstood Spies,” *The Diplomat*, October 31, 2011

“Plenum Document Highlights Broad Role for Social Management; Rising Leaders Meet in Pyongyang,” *Jamestown Foundation China Brief*, Vol. 11, No. 20, October 28, 2011 (with Samantha Hoffman)

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- “China’s European Satellite Launch Sets New Milestones; South Africa-China Deals Court Controversy; Putin Visits Beijing; New Sino-Kazakh Pipeline Deal Signed,” *Jamestown Foundation China Brief*, Vol. 11, No. 19, October 14, 2011 (with Samantha Hoffman)
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- “General’s Spy Comments Reveal More Than Just Espionage,” *Jamestown Foundation China Brief*, Vol. 11, No. 16, September 2, 2011
- “Civil-Military Integration Theme Marks PLA Day Coverage,” *Jamestown Foundation China Brief*, Vol. 11, No. 15, August 12, 2011
- “China Reacts to Admiral Mullen Visit,” *Jamestown Foundation China Brief*, Vol. 11, No. 14, July 29, 2011
- “Growth Imperative Challenges Even Chinese Security Measures,” *Jamestown Foundation China Brief*, Vol. 11, No. 14, July 29, 2011
- “Taiwan Espionage Cases Highlight Changes in Chinese Intelligence Operations,” *Jamestown Foundation China Brief*, Vol. 11, No. 12, July 1, 2011
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